



COUNTY OF LOS ANGELES
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RAYMOND G. FORTNER, JR.
County Counsel

July 26, 2007

Agenda No. 12
07/10/07

TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE B. BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: RAYMOND G. FORTNER, JR.
County Counsel

RE: **Sample Public Information Document for Settlements
Recommended to Los Angeles County Claims Board and
Board of Supervisors
Agenda Item No. 68 for July 31, 2007**

As requested by your Board, this is to provide for your consideration samples of the public information document which we are proposing, with the collaboration and concurrence of the Chief Executive Office, for all settlements of litigation which are submitted to the Los Angeles County Claims Board. As you know, the Claims Board has authority, granted by your Board, to make final decisions approving settlements in excess of \$20,000 up to \$100,000. Settlements in excess of \$100,000, if approved by the Claims Board, are submitted to your Board for consideration and final approval as a public action item.

The document would be available to the public and the press with the Claims Board agenda. On proposed settlements in excess of \$100,000, the document would also be available to the public and the press with the Board's agenda along with the Claims Board's recommendation for approval. The County Counsel's confidential detailed legal analysis memorandum on the proposed settlement will be submitted only to the Claims Board and your Board, which are the ultimate decision-makers, on an attorney-client basis.

Enclosed are documents entitled "Information on Proposed Settlement of Litigation" for six cases, Brandon Woo, et al. v. County of Los Angeles, which is on your Board's agenda for July 31, 2007 as Item 58, and the following five cases in which settlements were previously approved by the Claims Board and your Board: Philomene Long v. County of Los Angeles; Stiefler v. County of Los Angeles; Jamal Johnson v. County of Los Angeles; Carol Ann Wilson v. County of Los Angeles; and Rosa Maria Ortega v. County of Los Angeles. The documents have been prepared as they would have been presented at the time of submission for the Claims Board agenda.

If you have questions concerning this matter, please contact me or Chief Deputy County Counsel Donovan M. Main at (213) 974-1804.

RGF

Enclosures

c: William T Fujioka
Chief Executive Officer

Sachi A. Hamai, Executive Officer
Board of Supervisors

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for July 16, 2007)

CASE NAME	<u>Brandon Woo v. County of Los Angeles</u>
CASE NUMBER	BC 332518
COURT	Los Angeles County Superior Court Central District
DATE FILED	April 27, 2005
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$385,000
ATTORNEY FOR PLAINTIFF	Robert V. Chin Law Offices of Robert V. Chin (415) 256-8188
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	<p>This is a medical malpractice claim brought by Wilson and Thuy-Ying Woo, the parents of Brandon Woo, for injuries allegedly sustained by Brandon to his upper lip while he was being treated in the LAC-USC Neonatal Intensive Care Unit shortly after his birth on July 7, 2004. The Woo's claim that the placement of a breathing apparatus on Brandon's nose to assist his breathing caused permanent scarring and deformity to his upper lip. The Woo's seek recovery of damages on Brandon's behalf and for their own pain and suffering in an amount in excess of \$1.1 million. LAC-USC disputes the Woo's claim and contends that the nasal breathing device was properly placed and monitored. However, due to the risks and uncertainties of litigation, the Department of Health Services and its Claims Administrator propose a full and final settlement of the claim in the amount of \$385,000.</p>

PAID ATTORNEY FEES, TO DATE	\$46,160.79
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PAID COSTS, TO DATE	\$31,002.72
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INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for March 5, 2007)

CASE NAME	Philomene Long v. County of Los Angeles
CASE NUMBER	CV 03-0531 DDP
COURT	U.S. Central District Court
DATE FILED	January 22, 2003
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$475,000.00
ATTORNEY FOR PLAINTIFF	Robert Berke, Esq. Law Offices of Robert Berke (310) 917-5599
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	This is an alleged wrongful death and violation of civil rights lawsuit brought by Philomene Long, the surviving wife of John Thomas Idlet, who died while in the custody of the Los Angeles County Sheriff's Department. Plaintiff asserts causes of action for deliberate indifference and negligence in her lawsuit. Plaintiff claims that the decedent was denied necessary medical care, medications and thus, his civil rights were violated which resulted in his death. In the course of litigation of this case, the County filed a Motion for Summary Adjudication arguing that the facts in this case do not support a claim for violation of

civil rights or deliberate indifference. The trial Court granted the County's motion, and the plaintiff appealed. However, the Court of Appeals for the Ninth Circuit, reversed the trial Court's ruling, holding that the case does present facts to create issues for a cause of action for violation of civil rights. Due to the inherent risks and uncertainties involved in a trial, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$262,722.81
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PAID COSTS, TO DATE	\$69,875.22
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INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for February 22, 2007)

CASE NAME	<u>Stiefler v. County of Los Angeles</u>
CASE NUMBER	SC 087897
COURT	Los Angeles Superior Court Santa Monica
DATE FILED	December 9, 2005
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$400,000
ATTORNEY FOR PLAINTIFF	Allen, Matkins
COUNTY COUNSEL ATTORNEY	Warren Wellen Principal Deputy County Counsel (213) 974-9668
NATURE OF CASE	<p>This is a landslide case brought by Jeffrey and Suzanne Stiefler for damage to their house in the Ramirez Canyon area of Malibu. In January and February of 2005, a water main under Ramirez Canyon Road broke five times during periods of heavy rainfall. Los Angeles County Waterworks District No. 29 owns and operates the water main. The Stieflers claim water from the water main breaks caused a large landslide that resulted in substantial damage to their property. The Stieflers seek approximately \$4.4 million in damages which includes \$2.1 million in repair costs. The County and District dispute the Stieflers claims and contend that heavy rainfall and improper grading of the slope that failed caused the landslide. Due to the risks and uncertainties of litigation, the</p>

Department of Public Works and County
Counsel propose a full and final settlement of
the claim in the amount of \$400,000.

PAID ATTORNEY FEES, TO DATE

Approximately \$99,000

PAID COSTS, TO DATE

Approximately \$84,000

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for December 27, 2006)

CASE NAME	<u>Jamal Johnson v. County of Los Angeles</u>
CASE NUMBER	BC 331948
COURT	Los Angeles County Superior Court Central District
DATE FILED	April 15, 2005
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$150,000
ATTORNEY FOR PLAINTIFF	Sam Paz and Sonia Mercado
COUNTY COUNSEL ATTORNEY	Ruben Baeza Principal Deputy County Counsel (213) 974-1609
NATURE OF CASE	<p>This is a federal civil rights case based on allegations of false arrest and excessive force. Plaintiff Jamal Johnson alleges that Deputies assigned to the Los Angeles County Jail wrongfully prevented him from visiting a relative who was in custody in the jail. In addition, Mr. Johnson claims that after the Deputies escorted him from the building, they assaulted him and then arrested him. He sought damages in excess of \$400,000 for the injuries he sustained and for the emotional distress he claims to have suffered. The Deputies contend that Mr. Johnson was not allowed to visit because he violated jail policies, that Mr. Johnson started the altercation by striking a Deputy, and that probable cause existed for his arrest.</p>

However, due to the risks and uncertainties of litigation, it is recommended that a full and final settlement be approved in the amount of \$150,000.

PAID ATTORNEY FEES, TO DATE	\$103,879
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PAID COSTS, TO DATE	\$31,037
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INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for December 27, 2006; Item 3f)

CASE NAME	Carol Ann Wilson v. County of Los Angeles
CASE NUMBER	CV 04-08309 JWJx
COURT	U.S. Central District Court
DATE FILED	November 15, 2004
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$700,000.00
ATTORNEY FOR PLAINTIFF	Benjamin Schonbrun, Esq. Schonbrun De Simone Seplow Harris & Hoffman LLP (310) 396-0731
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	This is a lawsuit brought by Carol Ann Wilson, the surviving wife of William Louis Wilson, for the death of Mr. Wilson who died on October 14, 2003. Ms. Wilson alleges that the County failed to evaluate, diagnose and treat her husband's medical condition, which caused his death. The complaint alleges causes of action for deliberate indifference, violation of the ADA, negligence, failure to summon medical care and wrongful death. Plaintiff claims that the LASD's medical personnel failed to fully examine Mr. Wilson and that, if he had been examined by a physician, his serious medical conditions

would have been diagnosed and he would have been placed under appropriate medical care, which would have prevented the condition which led to this death. The County asserts that the conduct of the LASD personnel did not rise to the level of violation of civil rights and deliberate indifference to the inmate's medical condition. Due to the inherent risks and uncertainties involved in a trial, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$161,705.35
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PAID COSTS, TO DATE	\$60,615.27
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INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

(Claims Board Agenda for December 27, 2006)

CASE NAME	Rosa Maria Ortega v. County of Los Angeles
CASE NUMBER	CV 05-2246 JFW
COURT	U.S. Central District Court
DATE FILED	April 1, 2005
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$700,000.00
ATTORNEY FOR PLAINTIFF	Samuel Paz, Esq. Sonia Mercado, Esq. Law Offices of R. Samuel Paz Sonia Mercado & Associates (310) 410-2981
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	This is a lawsuit brought by the survivors of Gustavo Ortega, who died at LAC+USC Medical Center after being released from the Los Angeles County Sheriff's Department jail. Plaintiffs allege that the jail personnel failed to provide Mr. Ortega with diabetic medications at the time of his release on April 1, 2004. Plaintiffs further allege that LASD personnel delayed to summon medical assistance on April 5, 2004 when the personnel noticed that Mr. Ortega needed medical attention. Plaintiffs initially brought a lawsuit only

against the County of Los Angeles, but subsequently amended their complaint to name several individuals from the Los Angeles County Sheriff's Department. In their complaint, the plaintiffs assert a cause of action for deliberate indifference and negligence. The County's argument is that the events in question do not rise to a case for violation of civil rights. Attempts to mediate this case have produced this proposed settlement, which is recommended as reasonable, given the risks and uncertainties associated with a trial.

PAID ATTORNEY FEES, TO DATE	\$198,877.24
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PAID COSTS, TO DATE	\$56,408.95
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